IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

Contempt Petition No. 397 of 2006

The Daund Taluka Sahakari Dudh
Utpadak Sangh Maryadit. ... Appellant
VS.
Smt. Ranjana Subhash Kool . . ... Respondent

Mr. Jadish B.Choudhary with Sanjeev P. Kadam for appellant

CORAM: D. G. KARNIK **J.**

DATE: December, 7, 2006

P.C.:

1. Heard learned counsel for the petitioner.
2. This contempt petition is filed by the petitioner alleging that the respondent herein has committed willful disobedience of the order passed by the single judge of this court on 25th October 2005 in writ petition no. 7404 of 2005 which was confirmed by the Division Bench on 2nd May 2006 in Letter Patent Appeal No. 272 of 2005.
3. I have perused the judgment and order dated 25th October 2005 passed by this court . No injunction was issued nor any direction was issued by the said order to the respondent herein. All that this court did was to set aside the order dated 18th October 2005 passed by the competent authority and directing the Principal Secretary of Diary Development Board to consider the matter afresh and to pass appropriate orders

in accordance with law after hearing all the parties. The order did not prohibit the present respondent from collecting milk which it was already collecting.

4. Learned counsel for the petitioner however, submitted that by order dated 25th October 2005 the court directed status quo to be maintained for a period of 6 weeks and after the decision of the Division Bench there was no order directing continuance of the status quo. Therefore the present respondent ought to have stopped the collection of milk. Non continuation of status quo, in my view, does not mean that the respondent must discontinue collecting the milk especially when there was no prohibition against it for the collection of milk. It cannot be said that by continuing the collection of the milk the respondent has committed any breach of the order of this court. In the circumstances there is no merit in the petition which is hereby dismissed.

(D.G. KARNIK J.)